



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Report on City of Lodi Nepotism Policy

MEETING DATE: April 17, 1991

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council review the existing City nepotism policy (Resolution No. 90-109) and take action as deemed appropriate.

BACKGROUND INFORMATION: The City of Lodi has had a nepotism resolution in one form or another in place for several years. The most recent resolution was adopted July 11, 1990. It replaced a resolution adopted in 1985. The 1985 version was too narrow in some respects and not broad enough in others. It applied only to relatives of the City Manager and employees of both the City Manager's office and the Personnel Office. The application of that policy would have prohibited the appointment of a new police officer whose sister, for example, held a clerical position in the Personnel Office. That restriction would not have survived any kind of judicial review. The narrowness and the omissions of this resolution brought about the adoption of the 1990 version. This current resolution provides for the expansion of restriction on the hiring of relatives to include City Councilmembers, Board and Commission members, the City Attorney and the Assistant City Manager. The latter two are specifically included because each play key roles in the disciplinary process which is applicable to employees in all departments.

The existing resolution (Exhibit A) provides in part that, "The City of Lodi shall prohibit the initial appointment to a position within the City of Lodi of any person or employee who has the status of marital or familial relationship with the Lodi City Manager, Assistant City Manager, City Attorney, or Personnel Director, members of the City Council and in the case of Library employees, members of the Library Board or the City Librarian. Further, the City will prohibit the employment in that Department of any person who has status of marital or familial relationship with the Department Head or Advisory Board to that Department."

APPROVED _____

THOMAS A. PETERSON
City Manager

revised paper

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Mr. Robert Johnson, the current chairman of the Parks and Recreation Commission, has questioned this policy in a letter read to the City Council at its regular meeting of April 3, 1991. He has two sons who are now, and have for several summer seasons, been employed in part-time positions in the Parks and Recreation Department. Mr. Johnson's main point is that since his sons were already working for the City before his appointment to the Parks and Recreation Commission, his sons should be "grandfathered" and thus able to retain their part-time positions while Mr. Johnson serves on the Commission.

While not specifically addressed in the resolution, the flip side of this matter is that the City Council is prohibited from appointing a citizen to a board or commission if that person has a relative working in a department which has a direct relationship to that board or commission.

The staff will be prepared to discuss this matter and answer any questions Councilmembers may have.

FUNDING: None Required

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thos. A. Peterson", with a long horizontal flourish extending to the right.

Thomas A. Peterson
City Manager

TAP:br

Attachment

RESOLUTION NO. 90-109

ESTABLISHING A POLICY IN REGARD TO EMPLOYMENT OF RELATIVES
WITHIN THE CITY OF LODI CLASSIFIED SERVICE AND THEREBY
RESCINDING RESOLUTION NO. 85-07 PERTAINING THERETO

It is the policy of the City of Lodi not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of familial or marital status. No employee, prospective employee, or applicant shall be denied employment or benefits of employment on the basis of his or her familial or marital status. This policy applies to the selection of persons for a training program leading to employment in addition to the above-designated persons. The City of Lodi reserves the right to reasonably regulate for reasons of supervision, safety, security, or morale, the working of spouses and relatives in the same department, division, or facility.

Further, the Council finds that in the following situations and pursuant to Government Code §12940(3), the following provisions are necessary:

Marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for the purpose of this anti-discrimination policy.

Spouse is defined as a partner in marriage as defined in California Civil Code Section 4100.

Familial status is defined as the state of an individual's specific relatives working for the City of Lodi and shall include spouse, child, brother, sister, parent or parent-in-law.

The City of Lodi shall prohibit the initial appointment to a position within the City of Lodi of any person or employee who has the status of marital or familial relationship with the Lodi City Manager, Assistant City Manager, City Attorney, or Personnel Director, members of the City Council and in the case of Library employees, members of the Library Board or the City Librarian. Further, the City will prohibit the employment in that Department of any person who has status of marital or familial relationship with the Department Head or Advisory Board to that Department.

The City of Lodi shall prohibit the initial appointment of or advancement of any person or employee to any position within any department within the City of Lodi, wherein that person so appointed or advanced would or may in any manner or form, supervise, dispatch, or evaluate; or wherein that person would or may be supervised, dispatched or evaluated by any person within the same department, where, in either event, there exists a marital or familial status factor between said persons.

In the event two persons employed in the same City department marry each other and would thereby fall within the prohibitions listed in this Resolution, one of such employees shall be transferred to a comparable position, if any exists, in another City department.

Resolution No. 85-07 is rescinded upon the adoption of this Resolution.

Dated: July 11, 1990

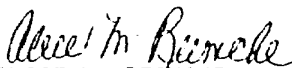
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I hereby certify that Resolution No. 90-109 was passed and adopted by the Lodi City Council in a regular meeting held July 11, 1990 by the following vote:

Ayes: Council Member - Olson, Pinkerton, Reid and Snider
(Mayor)

Noes: Council Member - None

Absent: Council Member - Hinchman


ALICE M. REIMCHE
City Clerk

90-109

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